

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X
JAMES A. BRUNO and KATHLEEN M. BRUNO

Docket No. 5:09 CV 1308
(GTS/DEP)

Plaintiffs,

-against-

**STIPULATION OF
WITHDRAWAL
OF CAUSE OF ACTION**

NIAGARA MOHAWK POWER CORPORATION,
LG CONSTRUCTORS, INC., T D T REALTY
CORP., CORELLIS HOLDING CORP. and
THOMAS A. CORELLIS

Defendants.

-----X
LG CONSTRUCTORS, INC.,

Third-Party Plaintiff,

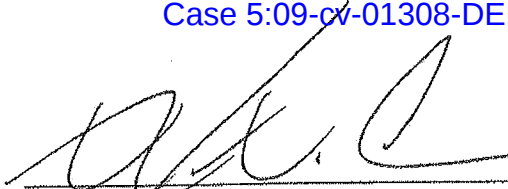
-against-

MICHELS POWER, A DIVISION OF MICHELS
CORPORATION and MICHELS CORPORATION,


Third-Party Defendants.

-----X

IT IS HEREBY STIPULATED AND AGREED, by counsel for Defendant/Third-Party Plaintiff LG CONSTRUCTORS, INC. ("LG") and Third-Party Defendants MICHELS POWER, A DIVISION OF MICHELS CORPORATION and MICHELS CORPORATION ("MICHELS") that LG's second cause of action seeking common law indemnity and contribution from MICHELS is hereby withdrawn, with prejudice. The remaining causes of action in LG's Third-Party Summons and Complaint are not affected by this stipulation.



Thomas F. Cerussi, Esq.
Cerussi & Spring, P.C.
Attorneys for Defendant/
Third-Party Plaintiff
LG Constructors, Inc.
One North Lexington Avenue
White Plains, New York 10601-1700
(914) 948-1200



Kevin F. Pinter, Esq.
Bar Roll No.: 516224
Nicoletti Gonson Spinner & Owen LLP
Attorneys for Third-Party Defendants
Michels Power, A Division of Michels
Corporation and Michels Corporation
555 Fifth Avenue, 8th Floor
New York, New York 10017
(212) 730-7750
Our File No.: 80187.00006

IT IS SO ORDERED:



David E. Peebles
U.S. Magistrate Judge

Dated: 1/24/12